

# Exhibit “F”



In the Matter Of:

**Van Scoy**

**V.**

**Van Scoy Diamond Mine of Delaware, Inc.**

**C.A. # 05-108 (KAJ)**

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**Transcript of:**

**Kurt Van Scoy**

**October 3, 2005**

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Kurt Van Scoy

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<p>1 A. Yes, I did.</p> <p>2 Q. And where did you find that out from?</p> <p>3 A. My brother-in-law Rick, who had the letter</p> <p>4 written up as well, that owns the Scranton store.</p> <p>5 Q. So he had told you that some time prior to</p> <p>6 November of 2004?</p> <p>7 A. Exact time -- yeah. I don't know exact time.</p> <p>8 Yes, I was aware of it.</p> <p>9 Q. What's your best estimate of when you first heard</p> <p>10 that statement?</p> <p>11 MS. MORGAN: Objection.</p> <p>12 Don't guess.</p> <p>13 A. I don't know.</p> <p>14 Q. Was it six months prior to November --</p> <p>15 MS. MORGAN: Objection.</p> <p>16 Q. -- of 2004?</p> <p>17 MS. MORGAN: Asked and answered.</p> <p>18 A. I don't know.</p> <p>19 Q. What was the substance of the telephone -- strike</p> <p>20 that.</p> <p>21 Was this a telephone conversation with Rick</p> <p>22 Sendrick?</p> <p>23 A. Exact -- I don't recall. To be honest with you,</p> <p>24 I don't recall.</p>	<p>1 A. Yeah. Actually -- well, in 1996, he did a ring</p> <p>2 for us. And we actually have a copy of the check that we</p> <p>3 sent to him.</p> <p>4 Q. What do you mean he did a ring for you?</p> <p>5 A. Actually -- and if I'm not mistaken, he made a</p> <p>6 ring for us, a marquise band. And we sent him a check</p> <p>7 for that, which Wayne signed the back of the check. And</p> <p>8 it is under our company name, the company name Van Scoy</p> <p>9 Diamond Mine of Delaware, Incorporated.</p> <p>10 And, also, if I'm not mistaken, in 2002, we</p> <p>11 have a fax letterhead copy, quote, unquote, stating how's</p> <p>12 the family doing? I hope everybody is doing well.</p> <p>13 Please contact this company because they're sending your</p> <p>14 statements to our store. Best regards, Wayne.</p> <p>15 Q. Wasn't that, in fact, merchandise ordered by you</p> <p>16 and shipped by mistake to Wayne's store?</p> <p>17 A. I don't understand --</p> <p>18 MS. MORGAN: Objection.</p> <p>19 A. I don't understand the question.</p> <p>20 Q. The subject matter of that fax and that check --</p> <p>21 A. It's two separate things. 1996 was the check</p> <p>22 that the plaintiff has signed personally from our</p> <p>23 business check. He signed it. And it was for actually</p> <p>24 the carrot -- if I'm not mistaken, it was a carrot total</p>
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<p>1 Q. Do you recall anything else that was said during</p> <p>2 that conversation with Rick Sendrick?</p> <p>3 A. No. All I know, it was mentioned about the</p> <p>4 letter that Wayne and Rick both -- or, the plaintiff and</p> <p>5 Rick Sendrick had a letter written up from an attorney --</p> <p>6 they both paid \$5,000 each -- to state that the name Van</p> <p>7 Scoy Diamond Mine was worth nothing in the Federal</p> <p>8 Bankruptcy Court.</p> <p>9 Q. Is that something that you were looking for in</p> <p>10 the Bankruptcy Court when you went there on November</p> <p>11 22nd?</p> <p>12 MS. MORGAN: Objection.</p> <p>13 Go ahead and answer.</p> <p>14 A. I was looking for any information that was</p> <p>15 relevant to the bankruptcy, of course, and with the name,</p> <p>16 the substance of the name. That's what I went there for.</p> <p>17 Q. Did Wayne ever say anything which gave you</p> <p>18 permission or implied permission for you to use the mark</p> <p>19 Van Scoy Diamond Mine?</p> <p>20 MS. MORGAN: Objection.</p> <p>21 A. No, he did not. He knew I was down there for</p> <p>22 years.</p> <p>23 Q. Did Wayne ever do anything that gave you or</p> <p>24 implied permission to use the mark Van Scoy Diamond Mine?</p>	<p>1 weight marquise band.</p> <p>2 In 2002, it was the fax cover sheet that he</p> <p>3 had sent to us. And that is dated on there in his</p> <p>4 handwriting, basically. It was in 2002. And it's</p> <p>5 handwritten in his writing.</p> <p>6 MR. PETOCK: I'd like to have this marked as</p> <p>7 the next number.</p> <p>8 Oh, I'm sorry. Can I have that one back? I</p> <p>9 shouldn't be giving you the top one.</p> <p>10 (Plaintiff's Deposition Exhibit No. 37 was</p> <p>11 marked for identification.)</p> <p>12 BY MR. PETOCK:</p> <p>13 Q. I show you what's been marked as Plaintiff's</p> <p>14 Exhibit 37.</p> <p>15 A. Sure.</p> <p>16 Q. Is that the correspondence that you're referring</p> <p>17 to starting with the second page?</p> <p>18 A. Yes.</p> <p>19 Q. And what do you say that second page -- it's</p> <p>20 marked D1814?</p> <p>21 A. 14, yes.</p> <p>22 "Hi. How is the family? I hope very good.</p> <p>23 Please call this company -- please call the company and</p> <p>24 ship statements to you." And it says, "Thank you." And</p>